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1 TAMARA BEATTY PETERSON (Nevada Bar No. 5218)
tpeterson@bhfs.com
2 LAURA E. BIELINSKI (Nevada Bar No. 10516)
lbielinski@bhfs.com
3 BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
4 Las Vegas, Nevada 89106-4614
Telephone: (702) 382-2101
5 Facsimile: (702) 382-8135

6 Attorneys for Plaintiff
LV GAMING VENTURES, LLC

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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 LV GAMING VENTURES, LLC, a
Nevada limited liability company,

12 Plaintiff,

13 v.

14
15 THE M RESORT PHUKET, an entity of
unknown origin doing business in Phuket,
16 Thailand; and INFINITY ONLINE
SOLUTIONS Co., LTD., an entity of
17 unknown origin doing business in Phuket,
Thailand,

18
19 Defendants.

Case No. 4-33/EX/23774/NFI /XEH

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**TEMPORARY RESTRAINING
ORDER WITHOUT NOTICE**

21 UPON CONSIDERATION of the motion filed by Plaintiff LV Gaming Ventures, LLC
22 ("Plaintiff") for a temporary restraining order and preliminary injunction ("Motion"), the supporting
23 memorandum of points and authorities, the supporting declaration and evidence, the record in this
24 case, and for other good cause shown;

25 THE COURT HEREBY FINDS THAT:

26 1. Plaintiff will suffer irreparable injury if the Court does not require GoDaddy, the
27 domain name registrar, to place the domain name <mresortphuket.com> ("Infringing Domain
28 Name") on hold and lock, and deposit them with the Court, pending litigation of this matter;

1 2. Plaintiff is likely to succeed on the merits of its claim for cybersquatting under the
2 Anti-cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d), because Plaintiff has
3 demonstrated that The M Resort Phuket and Infinity Online Solutions Co., Ltd. ("Infinity")
4 (together "Defendants") registered the Infringing Domain Name with a bad faith intent to profit
5 from Plaintiff's Marks (as defined in Plaintiff's Complaint and Motion) associated with the M Resort
6 Spa Casino Las Vegas, which were distinctive and famous at the time Defendants registered the
7 Infringing Domain Names;

8 3. Plaintiff is likely to succeed on the merits of its claim for copyright infringement
9 under 17 U.S.C. § 501(a), because Plaintiff has demonstrated that it owns a copyright in the M Resort
10 Website and M Bar Image (as defined in Plaintiff's Complaint and Motion), and that that Defendants
11 violated at least one exclusive right granted to copyright holders under 17 U.S.C. § 106;

12 4. The balance of hardships tips in favor of Plaintiff because Plaintiff is likely to
13 continue to suffer serious injury to its goodwill and reputation in the United States if the Court does
14 not immediately enjoin Defendants' infringing conduct. Conversely, Defendants, who brought any
15 injury they suffer as a result of an injunction upon themselves, will merely be enjoined from their
16 wrongful and infringing conduct in the United States;

17 5. Granting a temporary restraining order in favor of Plaintiff is in the public interest
18 because the imposition of injunctive relief will prevent consumer confusion as to the source of
19 Defendants' services protect Plaintiff's copyrights against acts constituting infringement;

20 THEREFORE, IT IS HEREBY ORDERED THAT, pending a full trial on the merits,
21 Defendants shall be enjoined from continuing to infringe upon Plaintiff's rights in Plaintiff's Marks
22 and the M Bar Image through their use of the Infringing Domain Name and, to that end:

23 A. The Infringing Domain Name shall be immediately placed on hold and lock by
24 GoDaddy and deposited with the registry of the Court, pursuant to Uniform Domain Name Dispute
25 Resolution Policy Section 3(b) adopted by the Internet Corporation for Assigned Names and
26 Numbers, to which GoDaddy is bound under its Registrar Accreditation Agreement Section 3.8, and
27 which requires GoDaddy to take action on infringing domain names upon court order;
28

B. GoDaddy shall disable the current domain name server information for the Infringing Domain Name;

C. In the event that GoDaddy refuses or fails to comply with this Order within one day of its service, the top level domain ("TLD") Registry for the Infringing Domain Name, Verisign, Inc., shall be authorized to place the Infringing Domain Name on Registry Hold status, thus removing them from the TLD zone files maintained by the Registry which link the Infringing Domain Name to the IP address where the associated website is hosted; and

D. A nominal bond of \$100 shall be required under Federal Rule of Civil Procedure 65(c) because the evidence indicates that Defendants will only suffer, if at all, minimal damage by the issuance of this temporary restraining order and injunction.

ORDER SETTING HEARING FOR PRELIMINARY INJUNCTION

UPON CONSIDERATION of the motion filed by Plaintiff for a preliminary injunction, the supporting points and memorandum of authorities, the supporting declaration and evidence, the record in this case, and for good cause shown, ^{vj wuf c{.} THE COURT HEREBY sets the hearing for Plaintiff's motion for a preliminary injunction on Pqxgo dgt "5", 2011, at ; 22""c.m. to be held in Courtroom 8D at the Lloyd D. George Federal Courthouse, 333 South Las Vegas Boulevard, Las Vegas, Nevada.


In addition, to ensure Defendants receive timely notice of the hearing, given that Defendants must maintain accurate contact information with the domain name registrar, Plaintiff may, in addition to the requirements of service identified in Federal Rules of Civil Procedure 4 and 5, serve the summons, complaint, motion, temporary restraining order and all subsequent court documents on Defendants by e-mail transmission upon the e-mail address provided by Defendants to the domain names' registrar.

Further, the Court sets forth the following briefing schedule relating to Plaintiff's motion for preliminary injunction:

1. Defendants shall file and serve opposition papers, if any, no later than Qevq dgt "53." 2011; and

2. Plaintiff shall file and serve its reply brief no later than Pq xgo dgt"4, 2011.

ENTERED this 9th day of Oct, 2011.


UNITED STATES DISTRICT JUDGE

BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 CITY PARKWAY, SUITE 1600
LAS VEGAS, NV
(702) 382-2101